

**REMARKS****Status of the Claims**

Claims 1-3, 5-9, 11-15, and 17-21 are currently present in the Application, and claims 1, 7, 13, and 19-21 are independent claims. No claims have been amended, canceled, or added in this Response. Applicants would also like to reiterate that all previous claim amendments and cancellations were only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue any previously amended claims, any canceled claims, and other claims in one or more continuation and/or divisional patent applications.

**Allowed Claims**

Applicants note with appreciation the Allowance of claims 19-21.

**Information Disclosure Statement**

Applicants note that an Information Disclosure Statement (IDS) and Form PTO-1449 were filed on May 1, 2007. The IDS and Form PTO-1449 are available via PAIR. Applicants respectfully request that the Examiner review the IDS and return an initialed copy of Form PTO-1449 to Applicants with the next action. Applicants have also filed a more recent IDS and Form PTO-1449 on August 22, 2007. Applicants also respectfully request that the Examiner review this IDS and return an initialed copy of the Form PTO-1449 to Applicants with the next action.

**Claim Rejections – Alleged Obviousness Under 35 U.S.C. § 103**

Claims 1, 3, 5-7, 9, 11-13, 15, and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kupiec, U.S. Patent No. 6,533,822 (hereinafter Kupiec) in view of Gunturi et al., U.S. Patent Publication No. 2005/0015730, application serial number 10/619,260 (hereinafter Gunturi). Applicants respectfully traverse the rejections under 35 U.S.C. § 103.



The Gunturi publication and the instant application were, at the time that the invention was made, owned by, or subject to an obligation of assignment to the same person, namely the International Business Machines Corporation (IBM). Applicants have attached a copy of the Notice of Recordation of Assignment for Gunturi, showing that Gunturi was assigned to IBM in July 2003.

35 U.S.C. § 103(c) states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The instant application was filed on or after the filing date of Gunturi, and before the publication of Gunturi. Gunturi qualifies as prior art only under 35 U.S.C. § 102(e). The instant application and Gunturi were commonly owned or subject to an obligation of assignment to the same person at the time the invention was made. Therefore, Gunturi cannot be used in a 35 U.S.C. § 103 rejection to preclude patentability. As such, the rejection is improper and must be withdrawn.

Because Gunturi cannot be used in a 35 U.S.C. § 103 rejection to preclude patentability, the rejection of claims 1, 3, 5-7, 9, 11-13, 15, and 17-18 is therefore traversed. Applicant notes that claims 2, 8, and 14 each depend from independent claims 1, 7, and 13, respectively, and are therefore also allowable. Applicants also note that the Office Action has indicated that claims 2, 8, and 14 are allowable.

Based on the above, Applicants respectfully submit that all claims in the Application are in condition for allowance, and respectfully request an early allowance of said claims.



**Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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MYERS BIGEL  
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U.S. DOCKET

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEBRUARY 12, 2004

PTAS



\*102514363A\*

MYERS BIGEL ET AL  
DAVID D. BEATTY, ESQ.  
P.O. BOX 37428  
RALEIGH, NC 27627UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/14/2003

REEL/FRAME: 014325/0483

NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GUNTURI, SRIMANTH

DOC DATE: 07/03/2003

ASSIGNOR:

KULP, RICHARD LEE

DOC DATE: 07/08/2003

ASSIGNOR:

MENDEL, GILI

DOC DATE: 07/02/2003

ASSIGNOR:

SHALLER, REBECCA

DOC DATE: 07/07/2003

ASSIGNOR:

WALKER, PETER

DOC DATE: 07/03/2003

ASSIGNOR:

WINCHESTER, JOE

DOC DATE: 07/04/2003



ASSIGNEE:

INTERNATIONAL BUSINESS MACHINES  
CORPORATION  
ARMONK, NEW YORK 10504

SERIAL NUMBER: 10619260

PATENT NUMBER:

FILING DATE: 07/14/2003

ISSUE DATE:

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



# ASSIGNMENT RECORDATION FOR

08-01-2003



To: Commissioner for Patents:

102514363

Date: July 14, 2003  
Attorney Docket No. 5577-260

Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

A. Srimanth Gunturi  
B. Richard Lee Kulp  
C. Gili Mendel  
D. Rebecca Shaller  
E. Peter Walker  
F. Joe Winchester

7-14-03

## 2. Name and address of receiving party(ies):

International Business Machines Corporation  
Armonk, New York 10504

22002 U.S. PTO  
10/619260  
07/14/03

Additional name(s) of conveying party(ies) attached? Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☐ Other

Execution Date:

A. July 3, 2003; B. July 8, 2003; C. July 2, 2003; D. July 7, 2003; E. July 3, 2003; F. July 4, 2003.

Additional name(s) & address(es) attached? Yes ☒ No

## 4. Application Serial No. \_\_\_\_\_ Patent No. \_\_\_\_\_

10619260

If this document is being filed together with a new application, the execution date of the application is: July 14, 2003

Additional numbers attached? Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

David D. Beatty, Esq.  
Myers Bigel Sibley & Sajovec  
P. O. Box 37428  
Raleigh NC 27627

## 6. Total number of applications and patents involved: 1

## 7. Total fee (37 CFR 3.41) \$40

Enclosed  
☒ Authorized to be charged to deposit account

## 8. Deposit account number: 09-0461

07/21/2003 ELOPER 00000197 090461 10619260

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## 9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David D. Beatty

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 8

## CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 14, 2003.

Lyndey D. Hall, CLU



### ASSIGNMENT

THIS ASSIGNMENT, made by us, **Srimanth Gunturi**, citizen of India, residing at 200 Chattahoochee Street, Suite 235, Morrisville, North Carolina 27560; **Richard Lee Kulp**, citizen of the United States of America, residing at 116 W. Dutton Court, Cary, North Carolina 27513; **Gili Mendel**, citizen of the United States of America, residing at 304 Oak Island Drive, Cary, North Carolina 27513, **Rebecca Shaller**, citizen of the United States of America, residing at 123 Skipwyth Circle, Cary, North Carolina 27513-2415; **Peter Walker**, citizen of the United States of America, residing at 1412 Bowling Road, Fuquay-Varina, North Carolina 27526 and **Joe Winchester**, citizen of the United Kingdom, residing at Flat 14, Oakwood House, Otterbourne, SO21 2EX, United Kingdom;

WITNESSETH: That,

WHEREAS, we are the joint inventors of certain new and useful improvements in **SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR IDENTIFYING TAB ORDER SEQUENCE OF GRAPHICALLY REPRESENTED ELEMENTS** for which an application for United States Letters Patent has been filed or is being filed concurrently in the United States Patent and Trademark Office.

WHEREAS, International Business Machines Corporation (hereinafter referred to as "IBM"), a New York corporation having a principal place of business at Armonk, New York 10504, hereinafter referred to as assignee, is desirous of acquiring the entire right, title, and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the




priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 3rd  
day of July, 2003.

  
\_\_\_\_\_  
Srimanth Gunturi (SEAL)




IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 3<sup>th</sup>  
day of July, 2003.

Richard Lee Kulp (SEAL)  
**Richard Lee Kulp**



IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 2nd  
day of July, 2003.

  
\_\_\_\_\_  
Gili Mendel (SEAL)



IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 7<sup>th</sup>  
day of July, 2003.

Rebecca Schaller (SEAL)  
Rebecca Schaller



IN WITNESS WHEREOF, I have hereunto set my hand and seal on this Th. 10  
day of July 3, 2003.

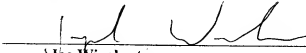


**Peter Walker**

(SEAL)



IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 4<sup>th</sup>  
day of July, 2003.

  
\_\_\_\_\_  
**Joe Winchester** (SEAL)